

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 32564 of 2007(B)

OS.45/2005 of SUB COURT, PAYYANNUR

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PETITIONER:

P.C.SUDHEER KUMAR, AGED 40 YEARS,
S/O P.K.NARAYANAN, KELOTH PAYYANNUR AMSOM DESOM,
TALIPARAMBA TALUK, REP. BY P/A HOLDER P.C.
JAYARAJAN, S/O C.KUNHIKANNA PODUVAL(LATE), AGED 34
YEARS, 'SREE VILAS', PALAT CHERAKARA HOUSE,
P.O.PILIKODE, HOSDURG TALUK, KASARGOD DISTRICT.

BY ADV. SRI.C.MURALIKRISHNAN(PAYYANNUR)

RESPONDENTS:

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1. VACHAKKARA ANDIL NARAYANI AMMA,
78 YEARS, D/O CHIRIYAKUNHI AMMA, RESIDING AT
KELOTH, PAYYANNUR AMSOM DESOM, TALIPARAMBA TALUK,
PAYYANNUR P.O., 670307.
 2. V.A.SHANTHA, AGED 51 YEARS,
D/O V.A.NARAYANI AMMA, -DO- -DO-.
 3. V.A.VINAYAN, 32 YEARS,
S/O V.A.SHANTHA, -DO- -DO-.
 4. V.A.PRIYA, 31 YEARS,
D/O V.A.SHANTHA, -DO- -DO-.
 5. V.A.ANEESH, 25 YEARS,
S/O V.A.SHANTHA, -DO- -DO-.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.32564 of 2007

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Dated this the 2nd day of November, 2007.

JUDGMENT

This Writ Petition is filed against the refusal by the court to serve interrogatories on the defendants. Question posed is whether the defendants are admitting their signature in the document or not. I have gone through the written statement in detail. In paragraph 3 of the written statement, they have denied the execution of the agreement. In paragraph 6 of the written statement, they would contend that for the purpose of some Bank transactions, they had put their signature in a blank stamp paper worth Rs.50/-, which had been utilised by the other side. In paragraph 13, it is submitted that the petitioners are not able to say whether the sale agreement carries their signature or not. Now a reading of all these things together would certainly create confusion in the mind of any person.

2. Therefore, it is desirable that an opportunity is given to

the plaintiff in case of denial of signature in the agreement to take appropriate steps to prove that the signature is put by the parties. If the defendants do not dispute the signature to contend for the position that it is given by them in a blank stamp paper, then naturally the execution of the entire document has to be proved as well. Therefore in the light of the inconsistent stand taken in the written statement when it turns out at a later stage where the defendants on confrontation denies the signature, the plaintiff will be at liberty to prove the signature also by adducing evidence and in case of necessity by even referring the matter for an expert for opinion.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.